

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

GAYL T. PAYTON

Plaintiff,

VS.

MACY'S INC.

Defendant.

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Case No. 4:10cv97


**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On February 18, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion to Dismiss her case without prejudice (Dkt. 55) should be GRANTED.

Having received the report of the United States Magistrate Judge as well as Defendant's notice that it does not object to the findings and conclusions therein (*see* Dkt. 60), and no other objections having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Plaintiff's Motion to Dismiss her case without prejudice (Dkt. 55) is GRANTED and this matter shall be dismissed without prejudice.

IT IS SO ORDERED.

SIGNED this the 18th day of March, 2011.



**RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE**